group [bearing no or a further lower alkyl substituent] optionally substituted with one lower alkyl group, ~~with a counterion~~, and a pharmaceutically acceptable salt or ester of said cephalosporin compound.

Claim 9, last line, change "trifluoroacetate" to --acid addition salt with trifluoroacetic acid--.

Claim 19, line 2, change "(2-aminothiazol-4-yl)acetamido-2-[2-(4-methylthiazol-5-yl)vinyl]" to --(2-aminothiazol-4-yl) acetamido-3-[2-(4-methylthiazol-5-yl)vinyl]--.

Claim 19, line 3, change "sny" to --syn--.

R E M A R K S

The courteous interview granted applicant's attorney is hereby acknowledged with appreciation.

The allowability of claims 4 and 5 of the application if rewritten in independent form is also acknowledged with appreciation. For the reasons presented at the interview and summarized below for the record, together with the Supplemental Declaration submitted herewith, it is believed that the remaining claims are also ready for immediate allowance.

Claims 1, 8, 9 and 10 have been rejected under 35 U.S.C. §112, first and second paragraphs, for the reasons 1 through 4 delineated on page two of the Office Action. The above amendments address and overcome each of these rejections.

In the Office Action, the Examiner has taken the position that applicant's Declaration under 37 C.F.R. §1.132 filed October 12, 1986 is insufficient to overcome the rejections of the claims under the cited art since the declaration does not compare against the closest compounds of the Farge et al patent and the closest compounds of the Beattie et al patent. As requested by the Examiner, applicant has now compared the

closest compounds of Farge, i.e., those of examples 2, 40 and 49 and the closest compounds of Beattie, i.e., those of examples 6, 7 and 16 with the compounds of the present invention. The results of the comparative study are set forth in the enclosed Supplemental Declaration Under 37 C.F.R. §1.132. The declaration is detailed and self-explanatory and, therefore, no further comment thereon is deemed necessary other than to note that the comparative testing establishes that the compound of the invention to be far superior in therapeutic treatments of bacterial infections as compared to the comparative compounds of the prior art. In addition, the compounds of the invention are able to exhibit remarkably higher anti-bacterial activities against a wide range of the bacterial species including both the gram-negative bacteria and the gram-positive bacteria as demonstrated in Table I, page 28 of the specification. This surprising characteristic of the invention is remarkable in view of the G. L. Dunn's article noted in the declaration which states on page 2, lines 15-17, that the third-generation cephalosporins (all of which contain the aminothiazolyloximino substituent at the 7-position common to the compounds of the present invention), tend to be less active than cephalosporin compounds of the earlier, first and second generations against gram-positive bacteria. It is surprising, therefore, to find the compounds of the invention are able to exhibit not only the remarkably high anti-bacterial activity of the MIC value of 0.78 μ/ml or less against Staphylococcus aureus, one of the gram-positive bacteria, but also remarkably high anti-bacterial activities of the MIC values 0.39 μ/ml or less against many of the gram-negative bacteria species. These excellent anti-bacterial properties of

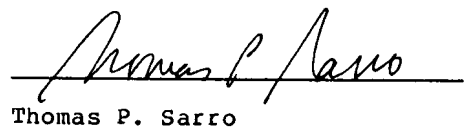
the compounds of the invention could not be predicted from the teachings of the cited references.

Lastly, the data of the Declaration demonstrate that the compounds of the present invention are more highly absorbable in the intestines of a living animal when orally administered in the form of their esters with an enzymatically cleavable alcohol as compared to the compounds of the Farge et al and Beattie et al patents.

In view of the above amendments, the reasons presented at the interview and summarized above, and the Supplemental Declaration of comparative tests requested by the Examiner, it is believed that the claims now present subject matter that is in proper form and patentable over the references cited. Early reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

LARSON AND TAYLOR

By: 

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